Supreme Court, U.S.
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113 (1)

No. _____

IN THE

Supreme Court of the United States

JERRY CAMENISH COOPER,
Petitioner
v.
HONORABLE RANDALL SKANCHY,
Respondent

On Petition for Writ of Certiorari
To The Utah Court of Appeals

PETITION FOR WRIT OF CERTIORARI

JERRY CAMENISH COOPER
Petitioner
C/O 245 ASTRO DRIVE
KELSO, WASHINGTON 98626
(360) 751-4172

QUESTION PRESENTED

Does it constitute a denial of common law due process under the Sixth Amendment (1791) and the Fourteenth Amendment (1868) to the Constitution of the United States of America for a State to compel a Citizen of a State, as that term was used and intended by our founding fathers in Article IV, § 2, cl. 1, of the Constitution, to trial, with subsequent conviction, sentencing, and commitment, upon fact issues only while law issues, in the nature of two contrary constitutional conclusions of law that were timely raised prior to arraignment, asserted throughout the proceeding, and preserved during allocation, remain in controversy without being settled or resolved by a judicial power court?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

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PETITION FOR WRIT OF CERTIORARI

I, Jerry Camenish Cooper, petitioner, in propria persona, respectfully pray that a writ of certiorari issue to review the judgment of the Utah Court of Appeals in this case.

OPINIONS BELOW

The opinion of the Utah Court of Appeals, the highest state court to review the merits, appears at Appendix A to the petition and is unpublished.

JURISDICTION

I exhausted any remedy available to me in the state courts upon issuance of an order dated September 4, 2008, by the Utah Supreme Court denying certiorari. A copy of that order appears at Appendix B. That court subsequently refused to accept for review a petition for rehearing filed on September 22, 2008. A copy of that refusal appears in Appendix C.

The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article IV, § 2, cl. 1 of the Constitution of the United States of America (1787) provides that "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States."

The Sixth Amendment (1791) to the Constitution of the United States of America provides, in pertinent part, that "In criminal

prosecutions, the accused shall enjoy the right...to be informed of the nature and cause of the accusation...."

The Fourteenth Amendment (1868) to the Constitution of the United States of America provides, in pertinent part, that "...nor shall any State deprive any person of life, liberty, or property, without due process; nor deny to any person within its jurisdiction the equal protection of the laws."

STATEMENT OF THE CASE

The question presented to this Court arises from the act by the respondent, the Honorable Randall N. Skanchy, trial court judge, of compelling me, Jerry Camenish Cooper, the petitioner, to trial and subsequent conviction, sentencing, and commitment upon fact issues only while law issues, in the nature of two contrary constitutional conclusions of law, placed by me before the trial court, remained in controversy without being settled or resolved by a judicial power court. I assert that such action left me without sufficient understanding and information to prepare a defense so to have been able to appear in court prepared to meet every feature of the accusation. Thus, I was deprived of my due process right to be informed of the nature and cause of the accusation, which right is secured by the Sixth Amendment, and such element of due process made mandatory upon the states by the Fourteenth Amendment. My demands to be informed of the nature and cause of the accusation and for a definite statement by authority of the Sixth Amendment were timely, having been raised before arraignment, maintained during the proceeding, and preserved by right of allocation prior to sentencing.

Criminal action initiated under statutory jurisdiction upon legislative or executive presumption

I, Jerry Camenish Cooper, Washington state Citizen, was charged by the State of Utah with the statutory crime of wrongful lien without interest in property, Utah Code Ann. § 38-9-5(2), a felony under Utah legislative statutes. The charge arose from my having caused to be recorded in the county records of Utah county, Utah, a private administrative judgment which gave notice to the public of a private judgment in a public venue. I made demand upon the prosecutor for a definite statement in the nature of a bill of particulars prior to arraignment upon the charges so as to be able to determine the nature and cause of the proceedings before any appearance. The prosecutor did not respond to my demand, and whose silence left me with only presumptions as to the basis for the prosecutor's acts.

Issue of two contrary constitutional conclusions of law set before trial court and prosecutor

Subsequently, but still prior to arraignment, I raised and set before the trial court and the prosecutor two contrary constitutional conclusions of law to be settled and resolved by judicial determination. I challenged the prosecutor's presumed conclusion of law that the State of Utah has the right to create and write civil statutes and use them against me as evidence of law in a criminal action; and that upon those civil statutes, used as evidence ("color") of law in a civil or criminal action, criminal charges may be made; and that the only due process protection allowed me in the criminal action is the right to be heard on the facts of the letter of the statutes or ordinances as charged.

The prosecutor did not refute the presumed conclusion of law as presented and otherwise refused to respond to my square challenge and remained silent at all times to this law issue.

I objected to the prosecutor's presumed conclusion of law and proposed, offered, claimed a contrary conclusion of law, that the God-given rights guaranteed inalienable to me by both state and federal constitutions, go with me wherever I live or travel in the fifty (50) states and before any criminal action can be levied against me, there must be: (1) a *corpus delicti*; or there must be: (2) a damaged party who has filed a verified complaint that I have damaged said party; or there must be: (3) a breached international maritime contract under the criminal aspect of an admiralty jurisdiction showing my signature and agreement; none of which were known by me to exist. The record showed no evidence that I did anything bad, wicked, terrible, or awful, and in this matter there had been no victims or witnesses to bad behavior or property damage, only perhaps allegations of poor judgment.

Trial and appellate courts refuse to make a judicial determination on law issue

On August 27, 2007, at a hearing at which arraignment was to occur, the trial court acknowledged having received and read my notice and demand presenting the two contrary constitutional conclusions of law. The trial court stated, in words to the effect, that the court had not made a judicial determination and had no intention of doing so at that time. The court then set a trial date of January 23, 2008. I objected to any further

proceedings and gave notice to the court of my intention to file for interlocutory appeal.

I filed with the state appellate court a petition for permission for interlocutory appeal as to the trial court's act of setting the record that the court would not act on the two contrary constitutional conclusions of law, and then proceeding forward with the case, as evidenced by the court scheduling a trial date without the law issue being settled or resolved.. The appellate court denied my petition. I then filed with the appellate court a petition to reconsider, which was also denied.

On November 9, 2007, I again set before the trial court the two contrary constitutional conclusions of law to be settled by judicial determination. In apparent response, the trial court issued on December 19, 2007, a Memorandum Decision and Order, which did treat (1) the constitutionality of legislative enactments, (2) the states' power to enact and enforce criminal statutes, (3) the states' authority to establish procedures by which the government enacts and enforces statutory laws, (4) the court's jurisdiction based upon federal preemption, and (5) the court's subject matter jurisdiction over legislative/statutory matters, and (6) its capacity to act as a constitutional judicial venue by virtue of its vesting of power as a court of "*general jurisdiction.*" I have not challenged any of these six issues nor am I challenging them now.

However, the Memorandum Decision and Order did not address, nor did it settle or resolve the matter of the trial court's constitutional common law criminal jurisdiction as embodied in the two contrary constitutional conclusions of law presented to the trial court for judicial determination. The trial court

did not make a judicial determination in its Memorandum Decision and Order as to which contrary conclusion of law governs, nor did it point out defects in either of the two contrary conclusions of law presented, nor did it set forth a third alternative conclusion of law as governing, but rather did only conclude that it "*...has jurisdiction to hear this prosecution....*"

I again filed with the state appellate court a petition for permission for interlocutory appeal as to the trial court's claim of jurisdiction while it still had not made a judicial determination on the two contrary constitutional conclusions of law. At the time of the petition, I also made application to the appellate court for a stay pending disposition of an interlocutory appeal. As the trial date of January 23, 2008, loomed near without a decision, I filed with the appellate court a petition of urgency. The day after the trial ended the appellate court denied my petition for permission for interlocutory appeal and my application for stay pending disposition. The appellate court also denied my petition of urgency as moot. I filed with the appellate court a petition to reconsider its denial of my petition for permission for interlocutory appeal, which was also denied.

Concurrent with my petition to the state appellate court, I also again petitioned the trial court to stay the proceedings until the issue of the court's constitutional common law criminal jurisdiction had been set certain after the exhaustion of appellate procedures and a judicial determination had been made final. My petition was denied by the trial court and the trial date of January 23, 2008, was reaffirmed.

Trial court compels me to trial, with subsequent conviction, sentencing, and commitment without judicial determination of law issue

On the scheduled day of trial, I orally petitioned the trial court to settle and resolve the two contrary constitutional conclusions of law and to delay further proceedings until such time, which the court refused to do, stating words to the effect, "*No matter what, there will be a trial today!*" On January 24, 2008, a jury returned a guilty verdict on the quasi-criminal charges.

I objected in writing to the trial court entering a judgment of conviction and sentencing, because the conviction in this case was based upon fact issues only, while the law issues were still in controversy, namely the trial court's colorable jurisdiction in this criminal charge, which lacks the essence of a substantial claim by a damaged party as applied to me. No definite statement had been produced as to the nature of the case in any material or meaningful way and revealed to me or ever shown on the court record.

On April 21, 2008, the trial court entered a judgment of conviction over my objection to the proceedings, which objection I preserved during allocation. The trial court sentenced me to a 0 to 15 year suspended prison sentence, six months in jail, 36 months probation, and a $7,500 fine. I was forthwith committed to jail where I was incarcerated four months prior to my release.

Judicial power remedy denied me by state appellate courts

Upon sentencing with the opportunity having passed for the trial court to correct the specific error

of law apparent, I immediately filed with the state appellate court a petition for a writ in the nature of a writ of error, claiming that right, which I don't know the name of, but it is in the "nature" of a writ of error, in order to obtain essential justice. The intent of my petition was simply to bring the record into the appellate court and submit the judgment of the inferior tribunal to re-examination for the sole purpose of inquiring whether the judgment of the trial court overruling my defense set up under the state and federal constitutions had violated such constitutions.

I sought for a writ in the "nature" of a writ of error because, perhaps, it is more technically proper where a single point of law, and not the whole case, is to be re-examined [cf. *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 410 (1821)]. I believed that my petition for extraordinary relief presented plain, speedy, and adequate remedy with no other remedy available to me, particularly in my incarcerated state, able to give me effective, meaningful, and timely relief. I simply petitioned the state appellate court to review the record for specific error apparent, and if error be found, to remand the record that the trial court may do its duty and correct the error that justice may be done and the case may move forward, if proper, to trial and subsequent acquittal, if innocent, or conviction, if guilty.

The state appellate court denied my petition for a writ in the nature of a writ of error, upon the opinion of the state's counsel's, stating "Cooper seeks to challenge his conviction and sentence after a jury trial. His proper remedy is a direct appeal. Extraordinary relief is not available where an appeal of right is available as a remedy." The appellate

court continued, "[A]n extraordinary writ is not a proceeding for general review and cannot be used as such" (see Appendix A). I filed a petition for rehearing which the appellate court denied.

Lastly, I filed with the Utah Supreme Court a petition for a writ of certiorari for a specific re-examination of the action directed to the appellate and trial courts, upon their failure to do something which should be done to enforce a right at a proper time, in the matter of my petition for extraordinary relief upon the good cause of reason, logic, and common sense, as found within the mandated provisions of law as set forth in the federal constitution. My petition was denied September 4, 2008 (see Appendix B). That court subsequently refused to accept for review a petition for rehearing filed on September 22, 2008 (see Appendix C).

Issue of two contrary conclusions of law remains to be settled and resolved

I have no personal knowledge of evidence, and believe none exists, that the matter of the trial court's constitutional common law criminal jurisdiction as embodied in the two contrary constitutional conclusions of law presented to the court for judicial determination was settled and resolved prior to compelling me forward to trial and subsequent conviction, sentencing, and commitment over my expressly stated and ongoing objection.

REASONS FOR GRANTING THE WRIT

In preparing my humble petition as a newcomer attempting to seek a writ of certiorari from this august body of jurists, I acknowledge that it is my duty to inform this Court of exactly what

important or special reason I have to present, that would cause this Court to set aside 99 petitions and pick this one, to order up the certified record of my case, and to use its energy on its unique and rare inspection process of the irregularities of my proceeding. To make that "one" case worthy of this Court's time to consider, it appears the issue involved and the procedure used at the state trial court level would have a broad application that would affect hundreds or thousands of other certiorari petitions, as that "one" case would in effect become a model. My petition qualifies to be that model which qualities will be fully revealed to this Court upon the state trial court producing a certified record for inspection.

The question presented to this Court is founded upon law issues that were timely raised in the trial court at the outset of the case prior to arraignment, asserted throughout the proceeding, preserved during allocation, and carried before the state appellate tribunals. The question presented to this Court does not rely or turn upon fact issues of the case, incidental or otherwise, with the single exception of the act by the trial court of compelling a Citizen of a State to trial, with subsequent conviction, sentencing, and commitment, upon fact issues only, having not resolved law issues, and the corollary act by the state appellate courts of withholding from a Citizen of a State all remedy short of post-conviction appeal.

In the matter before this Court, I was denied and unable to enforce in the state courts the right under the Sixth Amendment for the accused, in all criminal prosecutions, to be informed of the nature and cause of the accusation in violation of the Fourteenth Amendment, which secures this right to

a Citizen of a State and to all persons within the jurisdiction of the United States. I did timely demand to be informed of the nature and cause of the accusation and for a definite statement by authority of the Sixth Amendment, so to have been able to appear in court prepared to meet every feature of the accusation. The accusation under which I was tried and convicted was defective in such essential particulars as to deprive me of my liberty and property without procedural and substantive "due process of law," leaving me without sufficient information as to the nature and cause of the accusation against me.

The act by the state conflicts with this Court's Sixth Amendment jurisprudence

The court record shows that I reasonably exhausted my administrative remedies prior to trial in the state courts and was entitled to a judicial power remedy prior to trial, which remedy I could not achieve enforcement of, to obtain those rights as were violated and deprived of, in the state court system.

I timely demanded all rights at all times before the court, and if any non-judicial determination was made, it was timely and specifically objected to by operation of law, by the mere application of established rules of law, without the act or cooperation of me, the accused Citizen of a State. The state courts were given notice and opportunity to correct the specific error of law apparent, but refused to examine the matter, therefore failing to do something that should be done to enforce a right at a proper time.

The right of an accused to be informed of the nature and cause of the accusation, guaranteed in federal trials by the Sixth Amendment, is so fundamental and essential to a fair trial that it is incorporated in the Due Process Clause of the Fourteenth Amendment: "...nor shall any State deprive any person of life, liberty, or property, without due process of law...." Provisions of the Bill of Rights which are "fundamental and essential to a fair trial" are made obligatory upon the states by the Fourteenth Amendment [cf. *Gideon v. Wainwright*, 372 U. S. 335, 342 (1963)]

This Court has looked to the specific guarantees of the Sixth Amendment to determine whether a state criminal trial was conducted with due process of law. *Washington v. Texas*, 388 U.S. 14, 18 (1967). The Sixth Amendment provides specified standards for "all criminal prosecutions," among these being the guarantee of the right of the accused to be informed of the nature and cause of the accusation. That right stands on no lesser footing than other Sixth Amendment rights this court has previously held applicable to the states by reason of the Fourteenth Amendment. *Argersinger v. Hamlin*, 407 U.S. 25, 27-28 (1972).

The act by the state constitutes an arbitrary withholding of a Sixth Amendment right

The act by the state through its agent courts and persons to deprive me of a judicial power remedy in a court of competent jurisdiction prior to trial on two contrary constitutional conclusions of law which were squarely set and demanded, was arbitrary, and violated my right to a judicial power court of law,

which violated due process and equal protection of the law under the Fourteenth Amendment.

I have been made to sit in the back of the bus, in effect, the sort of "invidious discrimination" this Court has consistently rejected as offensive to the federal constitution. Cf. *Ferguson v. Skrupa*, 372 U.S. 726, 732 (1963). That "invidious discrimination" which offends the constitution and causes violations of secured rights under the Fourteenth Amendment "does not rest upon any reasonable basis, but is essentially arbitrary." Cf. *Lindsley v. NCG Co*, 220 U.S. 61, 78-79 (1911); *Zobel v. Williams*, 457 U.S. 55, 63-64 (1982). The invidious or arbitrary withholding of the Sixth Amendment "right to be informed of the nature and cause" under color of state law, by judicial officers not acting in judicial capacity when administering a legislative enactment did cause a violation of the Sixth Amendment right to be informed clause.

The act by the state disregards Sixth Amendment protections and jeopardizes Sixth Amendment rights

The state courts consistently refused to address the merits of my law issue, yet withheld remedy from me, instead asserting that I have no remedy except on post-conviction appeal in my diminished standing as a convicted felon. I was told in substance and effect time and time again by the state through its agent courts, prosecutors, and attorney general's office to, "*...take it up on appeal.*"

My rights are not preserved nor my life, liberty, and property held inviolate in an *ex post facto* appeal, which position the state courts compelled me into despite my repeated attempts to obtain essential

justice, saying to me in force and effect, after the hanging any injustices will be addressed

The state's position is that a petition for extraordinary relief is a waste of time and is too late, now that an appeal of right is available following conviction and sentencing. This form of reasoning disregards Sixth Amendment protections and jeopardizes Sixth Amendment rights.

Besides, a trial without rights is not really a trial. I could not timely enforce in the state courts my Sixth Amendment right, having been subjected to a trial without its protection and over my expressed objection. By effect, the act (or failure thereof) by the state courts removed from me the enjoyment of that right at trial. "[T]he Sixth Amendment, by its own terms, not only requires that the accused have certain specific rights, but also that he enjoy them at a trial..." *Estes v. Texas*, 381 U.S. 532, 559 (1965) (Mr. Chief Justice Warren, et al, concurring).

A party who has objected to the jurisdiction of the court at the outset, and has no other remedy, is entitled to extraordinary relief as a matter of right. Cf. *In re Rice, Petitioner*, 155 U.S. 396, 402 (1894).[1]

<u>The act by the state violates the separation of powers doctrine</u>

The state courts did not make a judicial power determination in this matter, but proceeded to

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[1] This opinion addresses extraordinary relief in the nature of a writ of prohibition, though its principles apply here. The Court states, "Where it appears that the court whose action is sought to be prohibited has clearly no jurisdiction of the cause originally,...a party who has objected to the jurisdiction at the outset, and has no other remedy, is entitled to a writ of prohibition as a matter of right."

prosecute a criminal action under a statutory jurisdiction upon legislative or executive presumption. A legislative or executive tribunal/ agency/court did take upon itself to make a legal determination on the issue of unresolved constitutional law and did do so that they might press forward on a fact issue in a legislative tribunal and, under color of law on fact issues, did try to establish a legislative jurisdiction over me to conduct a trial, which legislative jurisdiction did not exist.

The separation of powers doctrine holds fast that only a judicial department court, exercising judicial power under the federal (or state) constitution has any authority to resolve an issue at law by making a legal determination between two contrary constitutional conclusions of law. No legislative or executive agency of government can perform a judicial function (such as to make a "constitutional" legal determination) under the separation of powers doctrine which mandates three distinct departments of government and no person or agency charged with the exercise of powers properly appertaining to either of the others, shall exercise any function appertaining to either of the other departments.

This Court cannot condone the transgression of a constitutional prohibition by statutory presumption, as found in this instance

The state courts did not make a judicial power determination in this matter, but proceeded to prosecute a criminal action under a statutory jurisdiction upon legislative or executive presumption. Such presumption was timely challenged and appears to be outside the

constitutional common law criminal jurisdiction as secured and guaranteed to me under state and federal constitutions, wherein there must be a *corpus delicti* or a damaged party with a verified complaint, or, in the alternative, a breached international maritime contract under the criminal aspect of an admiralty jurisdiction showing my signature and agreement; none of which were known by me to exist.

This Court has ruled:

> "It is apparent that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption, any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions. And the state may not in this way interfere with matters withdrawn from its authority by the federal Constitution, or subject an accused to conviction for conduct which it is powerless to proscribe." *Bailey v. State of Alabama*, 219 U. S. 219, 239 (1911).

Whether a conviction for crime should stand when a state has failed to accord federal constitutionally guaranteed rights is a federal question

This matter is appropriate for this Court to review as the failure of a state to accord federal constitutionally guaranteed rights is a federal question.

> "Whether a conviction for crime should stand when a State has failed to accord federal constitutionally guaranteed rights is every bit as much of a federal question as what particular federal constitutional provisions

themselves mean, what they guarantee, and whether they have been denied. With faithfulness to the constitutional union of the States, we cannot leave to the States the formulation of the authoritative laws, rules, and remedies designed to protect people from infractions by the States of federally guaranteed rights." *Chapman v. California*, 386 U.S. 18, 21 (1967).

Limitations imposed by constitutional law upon the actions of government are essential to the preservation of rights of the Citizen of a State

The state courts did not made a judicial power determination in this matter and thereby the right to secure the federal guarantees by legal determination was denied me, leaving the issues of federal constitutional guarantees by state court action, prior to trial, unresolved.

> "[T]he limitations imposed by our constitutional law upon the action of the governments, both State and national, are essential to the preservation of public and private rights, notwithstanding the representative character of our political institutions. The enforcement of these limitations by judicial process is the device of self-governing communities to protect the rights of individuals and minorities, as well against the power of numbers as against the violence of public agents transcending the limits of lawful authority, even when acting in the name and wielding the force of the government." *Hurtado v. California*, 110 U.S. 516, 536 (1884).

This Court serves a protective function of the federal guarantees and as indispensable to the effective enforcement of federal guarantees against local action. *Kentucky v. Powers*, 201 U.S. 1, 37 (1906).

Addressing the denial of federal rights in state courts, this Court opined in *City of Greenwood v. Peacock*, 384 U.S. 808, 828, 845 (1966):

> "The most obvious remedy is the traditional one emphasized in the line of cases from *Virginia v. Rives*, 100 U. S. 313, to *Kentucky v. Powers*, 201 U. S. 1 – vindication of their federal claims on direct review by this Court, if those claims have not been vindicated by the trial or reviewing courts of the State.
>
> The cost of proceeding court by court until the federal right is vindicated is great. Restraint of liberty may be present; the need to post bonds may be present; the hire of a lawyer may be considerable; the gantlet of state court proceedings may entail destruction of a federal right through unsympathetic and adverse factfindings that are, in effect, unreviewable."

Swift enforcement of the federal right is imperative if the guarantees, which are threatened in light of the action taken by the state courts, are to survive.

CONCLUSION

The act of the respondent, which induced the deprivation of my federal guaranteed rights, constitutes good cause to enter the writ for requiring re-examination of the inferior tribunal's action. This circumstance is exceptional because it is so pointed

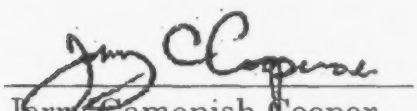
with such a narrow limited review as not to allow any defense. It warrants an immediate review in the interest of justice.

The judgment entered is a miscarriage of justice.[2] Substantial injury to legal rights threatens me, through no fault of mine, wherein my legal rights can still be corrected by an order remanding back for a legal trial, and not a trial de novo.

For the reasons stated above, I urge this Court to grant my petition for a writ of certiorari.

Respectfully submitted.

Verification: I, Jerry Camenish Cooper, petitioner, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct [28 U.S.C. §1746(1)]. Executed on this the 30th day of November, 2008.



Jerry Camenish Cooper

[2] Even though the erroneous judgment, as rendered, has deprived me of four months of my life, I will consider it a cheap price to pay, if only my reputation can be restored. I am not a felon, or that type of person. I have been a spiritual leader of a large congregation of Christian followers in my local community and a religious instructor at a Washington state prison for many years. I am gainfully employed, work hard at my occupation, and conscientiously care for my wife and family of five children.

APPENDIX A

IN THE UTAH COURT OF APPEALS

[Filed Utah Appellate Courts Apr 30 2008]

Jerry Camenish Cooper,
Petitioner,

v.

Hon. Randall Skanchy,
Respondent.

ORDER

Case No. 20080337-CA

Before Judges Greenwood, Billings, and McHugh.

This matter is before the court on Jerry Camenish Cooper's petition for extraordinary relief pursuant to rule 19 of the Utah Rules of Appellate Procedure and rule 65B of the Utah Rules of Civil Procedure.

Both rule 65B and rule 19 provide for relief only when no other plain, speedy, or adequate remedy is available. Cooper seeks to challenge his conviction and sentence after a jury trial. His proper remedy is a direct appeal. Extraordinary relief is not available where an appeal of right is available as a remedy. See Tyler v. Department of Human Svcs., 874 P.2d 119, 120 (Utah 1994). "[A]n extraordinary writ is not a proceeding for general review, and cannot be used as such." Utah County v. Alexanderson, 2005 UT 67, ¶ 6, 123 P. 3d 414.

IT IS HEREBY ORDERED that the petition for extraordinary relief is denied.

Dated this 30th day of April, 2008.

FOR THE COURT:

/s/ Pamela T. Greenwood
Pamela T. Greenwood,
Presiding Judge

APPENDIX B

IN THE SUPREME COURT OF STATE OF UTAH

[Filed Utah Appellate Courts Sep 04 2008]

Jerry Camenish Cooper,
Plaintiff and
Petitioner,
v.
Hon. Randall Skanchy,
Defendant and
Respondent.

Case No. 20080557-SC
20080337-CA

ORDER

This matter is before the court upon a Petition for Writ of Certiorari, filed on June 24, 2008.

IT IS HEREBY ORDERED pursuant to Rule 51(a) of the Utah Rules of Appellate Procedure the Petition for Writ of Certiorari is denied.

For the Court:

Dated 9-4-08

/s/ Matthew B. Durrant
Matthew B. Durrant
Associate Chief Justice

APPENDIX C

[Letterhead: Supreme Court of Utah]

September 26, 2008

Jerry Camenish Cooper
c/o 245 Astro Drive
Kelso, Washington 98626

Re: Cooper v. Skanchy, Case No. 20080557-SC

Dear Mr. Cooper:

I am writing in response to your filing a "Verified Petition for Reconsideration of This Court's Denial of My Petition for Writ of Certiorari, with Verified Affidavit of Truth in Support," received in the Supreme Court on September 22, 2008. Please be advised that the Supreme Court does not review petitions for rehearing or motions for reconsideration in cases where petitions for writs of certiorari have been denied. The Clerk of Court is advised to follow this procedure, pursuant to Supreme Court Standing Order No. 2. A copy of the Standing Order is published in the Utah Court Rules. As a courtesy, I have enclosed a copy of the Standing Order with this letter.

Respectfully,
/s/ Pat H. Bartholomew
Pat H. Bartholomew
Clerk of Court

Enclosure

cc: Kris Leonard, Assistant Attorney General